

3-1



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

DATE: JULY 18, 2005  
TO: SUBDIVISION REVIEW BOARD  
FROM: STEPHANIE FUHS, CURRENT PLANNING DIVISION  
SUBJECT: ROAD EXCEPTION REQUEST FOR FOAT/HANSEN PARCEL MAP  
CO 04-0005

**Recommendation**

Partially approve the road exception request based on the Findings listed in Exhibit "A" and revised conditions for Parcel Map CO 04-0005 listed in Exhibit "B".

**Background**

Parcel Map CO 04-0005 was approved by the Subdivision Review Board on November 1, 2004 with conditions for road improvements as follows:

2. Roads and/or streets to be constructed to the following standards:
  - a. Fowler Lane constructed to an A-7(c) section within a minimum 40-foot dedicated right-of-way fronting the property.
  - b. Woodland Hills Road widened to complete an A-1 section fronting the property.
  - c. Fowler Lane constructed to an A-1(a) section from the property to State Highway One (minimum paved width to be 18 feet).
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes 25 feet along Fowler Lane fronting the property, to be described as 25 feet from the recorded centerline.

A road exception application was received on April 27, 2005 that requested a reconsideration of the road improvement requirements for CO 04-0005, specifically Condition 2(c) (above). The applicant requested that the condition be eliminated because the two existing parcels already have access to Fowler Lane and the two newly created parcels have access to Woodland Hills Road and would not use Fowler Lane.

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3-2

Foat/Hansen Road Exception (CO 04-0005)  
Subdivision Review Board  
July 18, 2005

Page 2

Staff reviewed the request based on the Board of Supervisors policy (Resolution 91-366). This policy states that if the number of lots ultimately served by a road is over 20 and the projected ADT is over 100, then paved road improvements are required. Since the number of parcels ultimately to be served by Fowler Lane is just over 20, staff is recommending a partial exception with revised language to condition 2( c) to read as follows:

2.
  - c. Fowler Lane constructed to a 2/3 A-7(c ) section from the property to State Highway One.

Findings to support the road exception and revised conditions of approval are attached for the Board's consideration.

**Exhibit "A" – Findings**

**Environmental Determination**

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted on November 1, 2004.

**Road Exception Request**

- B. That there are special circumstances or conditions affecting the property being subdivided because the parcels being subdivided have access from both Woodland Hills Road and Fowler Lane. The only additional access to Fowler Lane is from one existing parcel, with the two new parcels accessing off of Woodland Hills Road. Development on the existing parcel accessing Fowler Lane would not typically trigger road improvements with a construction permit.
- C. That the partial granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because no additional parcels will access Fowler Lane. New traffic generated from the two new parcels will access off of Woodland Hills Road.
- D. That the partial granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility because the road will be improved to a 2/3 A-7(c) section from the property back to State Highway One which will provide a level of improvement generally required of subdivisions located within a rural area.
- E. That the partial granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision because the 2/3 A-7(c) section road improvements will be consistent with the improvement requirements fronting the property.

3-4

EXHIBIT B  
CONDITIONS OF APPROVAL FOR CO 04-0005 (HANSEN/FOAT)  
(Revised July 18, 2005)

**Approved Project**

1. This approval authorizes the division of two ten acre parcels into four parcels of five acres each.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. Fowler Lane constructed to an A-7(c) section within a minimum 40-foot dedicated right-of-way fronting the property.
  - b. Woodland Hills Road widened to complete an A-1 section fronting the property.
  - c. Fowler Lane constructed to an 2/3 A-7 (c) section from the property to State Highway One.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes 25 feet along Fowler Lane fronting the property, to be described as 25 feet from the recorded centerline.

**Improvement Plans**

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Grading and erosion control plan for subdivision related improvement locations.
  - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### **Wastewater Disposal**

7. **Prior to the filing of the final parcel or tract map**, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.

#### **Utilities**

8. Electric and telephone lines shall be installed underground or overhead.
9. Gas lines shall be installed.

#### **Fire Protection**

10. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map per the CDF letter dated June 3, 2004.

### **Parks and Recreation (Quimby) Fees**

11. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### **Affordable Housing Fee**

12. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

### **Additional Map Sheet**

13. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
  - b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
  - c. An agricultural buffer prohibiting residential structures, consisting of 230 feet over lots 3 and 4 along the southeastern boundary of the site, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans.
  - d. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - e. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 3, 2004, from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
  - f. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The

application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

- g. **Prior to commencement of tree removal associated with subdivision improvements or new residential development**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
- h. **Prior to final inspection or occupancy (whichever occurs first)**, the following measures shall be applied to the proposed turf areas:
  - i. To maximize drought-tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
  - ii. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
  - iii. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
  - iv. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 sq. ft. maximum per lot with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
  - v. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

### **Covenants, Conditions and Restrictions**

14. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
  - a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
  - b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
  - c. An agricultural buffer prohibiting residential structures, consisting of 230 feet over lots 3 and 4 along the southeastern property line shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the existing commercial agricultural business on adjacent parcels effecting this subdivision ceases operation for a minimum of one year.
  - d. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.
  - e. **Prior to commencement of tree removal associated with subdivision improvements or new residential development**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.
  - f. **Prior to final inspection or occupancy (whichever occurs first)**, the following measures shall be applied to the proposed turf areas:
    - i. To maximize drought-tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
    - ii. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
    - iii. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.



- g. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 sq. ft. maximum per lot with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
- h. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

#### **Miscellaneous**

- 15. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 16. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2c.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
  - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
  - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by county Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.


3-12

18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

3-13

## INTER-OFFICE MEMO

**TO:** Stephanie Fuhs, Department of Planning and Building

**FROM:** Mikel Goodwin, Public Works Department 

**SUBJECT:** CO 04-005, Foat/Hansen

**DATE:** 25 May 2005

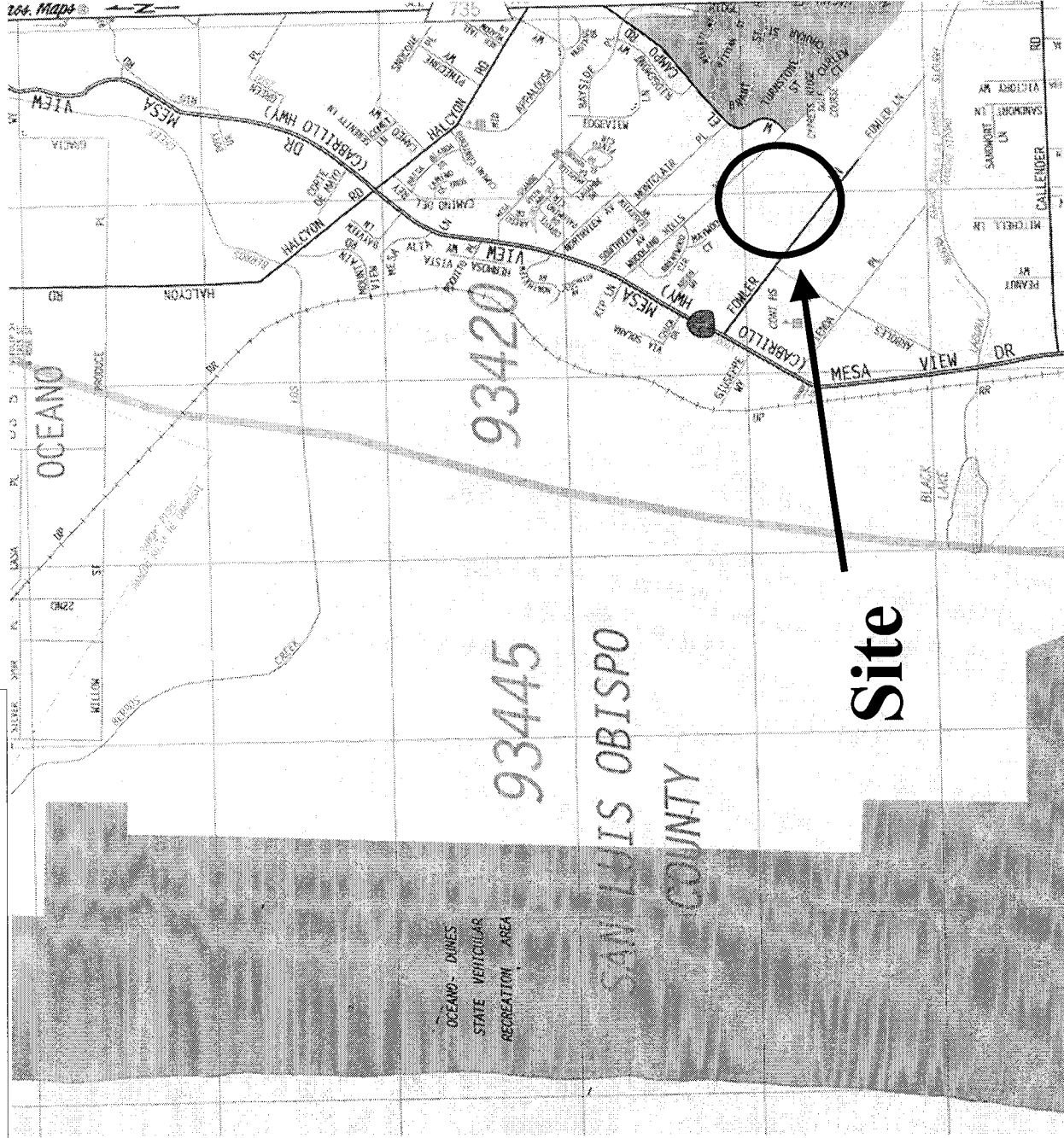
We have reviewed the information you sent regarding an exception to the road improvement requirement for Fowler Lane.

I suggest that you point out the Board of Supervisor's policy on gravel roads and recommend denial. If there is room somewhere to modify that policy then I think we could go with a gravel road. In which case it would be our recommendation that the requested exception be partially granted, that the requirement for off-site improvements on Fowler Lane, Condition 2.c. be changed to read;

**"Fowler Lane constructed to a 2/3 A-7(c) section from the property to State Highway One."**

Findings to support the exception are found in the undated statement by Sarah L. Barnes of Vaughan Surveys, Inc.

**San Luis Obispo Department of Planning & Building**



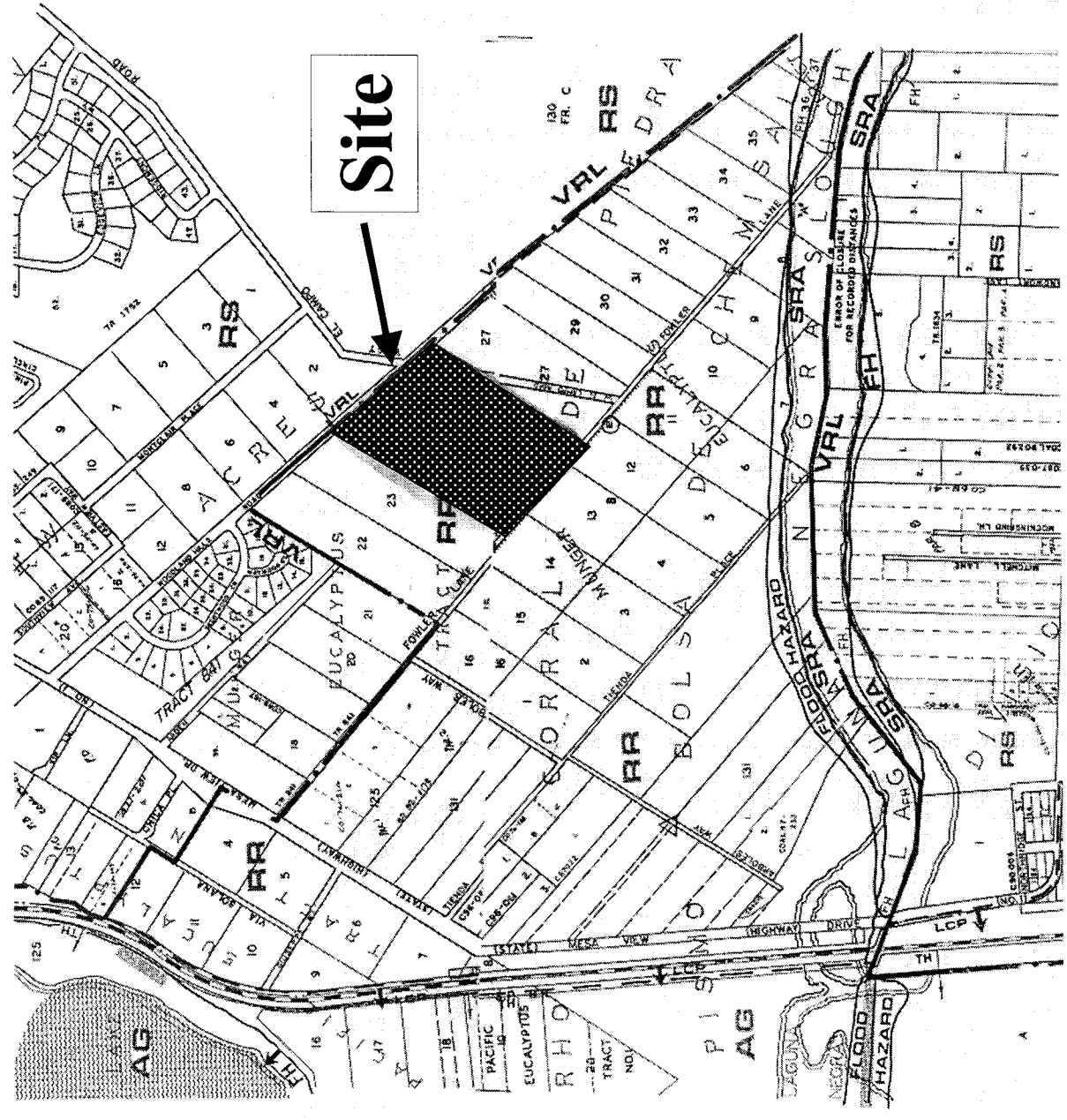
# Exhibit

## VICINITY MAP

**Project  
Hansen/Foat Vesting Tentative Parcel Map  
SUB2003-00141/CO 04-0005**

3-15

San Luis Obispo Department of Planning & Building



Project

Hansen/Floating Tentative Parcel Map  
SUB2003-00141/CO 04-0005



Exhibit

Land Use Category Map



# Proposed Tentative Parcel Map

**Project  
Foat/Hansen Vesting Tentative Parcel Map  
SUB2003-00141/CO 04-0005**